

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS AND INTERFERENCES**

In Re Application of:

Confirmation No.: 8529

Jerding, et al.

Group Art Unit: 2424

Serial No.: 09/693,790

Examiner: Shang, Annan Q

Filed: October 20, 2000

Docket No. 60374.0004USC5/A-6689

For: **Integrated Searching System For
Interactive Media Guide**

APPEAL BRIEF UNDER 37 C.F.R. §1.192

Mail Stop Appeal Brief - Patents
Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

This is an appeal from the final Office Action mailed July 25, 2008, rejecting claims 117-128, 130, 131, 149-163, and 165-187 in the present application and making the rejection FINAL.

I. REAL PARTY IN INTEREST

The real party in interest of the instant application is Scientific-Atlanta, Inc., having its principal place of business at 5030 Sugarloaf Parkway, Lawrenceville, GA 30044. Scientific-Atlanta, Inc., the assignee of record, is wholly owned by Cisco Systems, Inc.

II. RELATED APPEALS AND INTERFERENCES

There are no related appeals or interferences.

III. STATUS OF THE CLAIMS

Claims 117-128, 130, 131, 149-163, and 165-187 currently stand rejected. Claims 1-116, 129, 132-148, and 164 have been canceled through prosecution. Further, a Notice of

Panel Decision was mailed on January 13, 2009, which instructed that proceedings were to continue to the Board of Patent Appeals and Interferences since at least one actual issue for appeal remains. Appellants appeal the FINAL rejection of claims 117-128, 130, 131, 149-163, and 165-187.

IV. STATUS OF AMENDMENTS

All amendments have been entered. No further amendments have been submitted subsequent to the FINAL rejection.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed subject matter is summarized below with reference numerals and references to the written description ("specification") and drawings. The subject matter, described in the following, appears in the original disclosure at least where indicated, and may further appear in other places within the original disclosure.

Embodiments of the claimed subject matter are illustrated in FIGs. 1-10 and are discussed in the specification at least at pages 3-17. Embodiments of the claimed subject matter, such as those defined by claim 117, define a method for enabling a user to search for media programs, the method comprising: enabling a user to record a first set of media programs in a first storage device associated with a digital personal video recorder (PVR) (see, e.g., FIG. 2, PVR 73; page 6, lines 11-14); storing media information corresponding to the recorded first set of media programs in the first storage device (see, e.g., page 9, line 27 – page 10, line 12), the media information including information related to at least a title and media type for each media program (see, e.g., page 10, lines 8-12); receiving media information corresponding to a second set of media programs that are currently being broadcast (see, e.g., FIG. 4; page 13, line 6 – page 14, line 25); receiving media information corresponding to a third set of media programs that are to be broadcast in the future (see,

e.g., FIG. 4; page 13, line 6 – page 14, line 25); storing the media information corresponding to the second and third sets of media programs in a second storage device (see, e.g., page 11, line 3-25); providing to the user a search option to search for media programs (see, e.g., FIGs. 7-8; page 16, lines 3-26); responsive to the user activating the search option, enabling the user to enter a search term (see, e.g., FIGs. 7-9, search term 141; page 16, line 3 – page 17, line 15); responsive to the user entering a search term, searching the first and second storage devices for media information having a high level of correlation with the search term (see, e.g., page 15, line 6-20); and providing a list of media programs corresponding to the media information having a high level of correlation with the search term (see, e.g., page 15, line 6-20).

Embodiments of the claimed subject matter, such as those defined by claim 149, define an interactive media services system comprising: memory for storing media information, the media information including information related to a title, start time, and media type for each of a plurality of media programs (see, e.g., page 9, line 27 – page 10, line 12); a software program stored in the memory, the software program comprising a plurality of executable functions (see e.g., page 6, line 21 – page 7, line 13); a processor configured to execute the software program, wherein executing the software program includes: enabling a user to record in the memory a first set of media programs associated with a personal video recorder (PVR) (see, e.g., FIG. 2, PVR 73; page 6, lines 11-14); storing media information corresponding to the first set of recorded media programs in the memory (see, e.g., page 9, line 27 – page 10, line 12); receiving media information corresponding to a second set of media programs that are currently being broadcast or are to be broadcast in the future (see, e.g., FIG. 4; page 13, line 6 – page 14, line 25); storing the media information corresponding to the second set of media programs in the memory (see, e.g., page 11, line 3-25); providing to the user a search option to search for media programs; responsive to the user activating the search option, enabling the user to enter a

search term (see, e.g., FIGs. 7-9, search term 141; page 16, line 3 – page 17, line 15); responsive to the user entering a search term, searching the memory for media information, corresponding to the first set of media programs and the second set of media programs, having a high level of correlation with the search term (see, e.g., page 15, line 6-20); and providing a list of media programs corresponding to the media information having a high level of correlation with the search term (see, e.g., page 15, line 6-20).

Embodiments of the claimed subject matter, such as those defined by claim 171, define a set-top terminal (STT) comprising: a receiver configured to receive a plurality of media programs and a plurality of media information (see, e.g., FIG. 2, DHCT 16; page 5, lines 17-24), each one of the plurality of media information corresponding to a respective one of the plurality of media programs (see, e.g., page 8, line 18 – page 9, line 5); a storage device in communication with a personal video recorder (PVR) (see, e.g., FIG. 2, PVR 73; page 6, lines 11-14); memory storing program code thereon (see, e.g., page 6, line 21 – page 7, line 13); a processor configured by the program code to: record one of the plurality of media programs on the PVR (see, e.g., FIG. 2, processor 44; page 6, lines 11-14); store a first one of the plurality of media information on the storage device, the first one of the plurality of media information describing the recorded one of the plurality of media programs (see, e.g., page 9, line 27 – page 10, line 12); store a second one of the plurality of media information on the storage device, the second one of the plurality of media information describing media programs that are currently being broadcast or are to be broadcast in the future (see, e.g., FIG. 4; page 13, line 6 – page 14, line 25); provide a search option to enable the user to enter a search term (see, e.g., FIGs. 7-9, search term 141; page 16, line 3 – page 17, line 15); responsive to the search term, search the first and second ones of the plurality of media information to find media information having a high level of correlation with the search term (see, e.g., page 15, line 6-20); and provide a list of media programs which correspond to the media information having a high level of correlation with the search term

(see, e.g., page 15, line 6-20).

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 117-128, 149-161, 166-167 and 170-185 stand rejected under 35 U.S.C. 102(e) as allegedly anticipated by or, in the alternative, under 35 U.S.C. 103(a) as allegedly obvious over *Nishikawa* ("*Nishikawa*," U.S. Pat. No. 6,481,010).

Claims 165, 168 and 169 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Nishikawa*.

Claims 130-131, 162-163, and 186-187 stand rejected under 35 U.S.C. § 103(a) as allegedly unpatentable over *Nishikawa* in view of *Koshimuta* ("*Koshimuta*," U.S. Pat. No. 6,515,710).

VII. ARGUMENT

I. Rejection of Claims 117-128, 130, 131, 149-161, 166-167 and 170-185 under 35 U.S.C. 102(e), or alternatively 35 U.S.C. 103(a)

It is axiomatic that "[a]nticipation requires the disclosure in a single prior art reference of each element of the claim under consideration." *W. L. Gore & Associates, Inc. v. Garlock, Inc.*, 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983). Therefore, every claimed feature of the claimed invention must be represented in the applied reference to constitute a proper rejection under 35 U.S.C. § 102(e).

Appellants respectfully submit that anticipation of the present invention is not established using the art of record.

The U.S. Patent and Trademark Office ("USPTO") has the burden under section 103 to establish a *prima facie* case of obviousness according to the factual inquiries expressed in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966). The four factual inquiries, also expressed in MPEP 2100-116, are as follows:

- (A) Determining the scope and contents of the prior art;
- (B) Ascertaining the differences between the prior art and the claims in issue;
- (C) Resolving the level of ordinary skill in the pertinent art; and
- (D) Evaluating evidence of secondary considerations.

Appellants respectfully submit that a *prima facie* case of obviousness is not established using the art of record.

For at least the reasons set forth below, Appellants respectfully request that the Board of Patent Appeals overturn the final rejection of those claims.

A. Independent Claim 117

Claim 117 recites (with emphasis added):

117. A method for enabling a user to search for media programs, the method comprising:

enabling a user to record a first set of media programs in a first storage device associated with a digital personal video recorder (PVR);

storing media information corresponding to the recorded first set of media programs in the first storage device, the media information including information related to at least a title and media type for each media program;

receiving media information corresponding to a second set of media programs that are currently being broadcast;

receiving media information corresponding to a third set of media programs that are to be broadcast in the future;

storing the media information corresponding to the second and third sets of media programs in a second storage device;

providing to the user a search option to search for media programs;

responsive to the user activating the search option, enabling the user to enter a search term;

responsive to the user entering a search term, searching the first and second storage devices for media information having a high level of correlation with the search term; and

providing a list of media programs corresponding to the media information having a high level of correlation with the search term.

Appellants respectfully submit that *Nishikawa* fails to disclose, teach, or suggest at least the above-emphasized claim features. The final Office Action (page 4) alleges the following (emphasis added):

As to claim 117...*Nishikawa*...discloses an integrated Direct Satellite System/WebTV 'DSS/WebTV' receiver and further discloses a method for enabling a user to search for media programs, the method comprising:
Enabling a user to record a first set of media programs in a first storage device with a **digital personal video recorder (Recording Device/DSS processing Unit/SDRAM/ROM 42/200/210/216...interconnected by buses is a PVR which permits a user to record programs, search and view recorded programs...**

As set forth in the response after non-final dated April 15, 2008, Appellants note that the allegation emphasized above is inconsistent with the teachings of *Nishikawa* which solely teaches the use of an analog video cassette recorder (VCR) as the means to record media programs (such as television programs) ("The GUI includes a TV Planner icon which, if selected by the user, causes the television to display a monthly calendar (or recording/reminder list) that indicates which programs are purchased and/or selected for recording by a VCR.", Abstract, Col. 2, lines 1-5).

Nishikawa further discloses the capabilities of storing "DSS/Internet data" which is composed of cached web sites that the user can access through a provided GUI without having to connect to a network:

Internet processing element 202 also receives DSS/Internet data from Buffer logic 204 and stores the DSS/Internet data on HDD 228. The DSS/Internet data represents, e.g., web sites that the user can access via the "Best of Web" feature of the GUI, as discussed in further detail below. Storing DSS/Internet data on HDD 228 enables a user to access predetermined web sites in real time, thereby, removing the access and interconnection delays traditionally encountered when communicating with web sites over a phone line. (Col. 6, lines 20-35).

Likewise, *Nishikawa* discloses storing downloaded large amounts of data, such as program guide information on a local buffer:

In operation, DSS processing element 200 periodically downloads large amounts of data (e.g., program guide information, web

sites for caching in HDD 228, firmware updates) to FIFO buffer 254 by signaling address decoder 258 and downloading the data to multiplexer 256. (Col. 6, lines 50-55).

However, neither program guide information, cached websites, nor firmware updates can be construed as “media programs” as taught in the present application. The only device disclosed in *Nishikawa* capable of recording a media program is a VCR. A VCR is clearly not a “digital personal video recorder” as required by present claim 117. Indeed, *Nishikawa*, discusses that the DSS systems as employed in its systems “may additionally include an analog video cassette recorder (VCR) that receives analog data for recording purposes.” (Col. 1, lines 13-22). The sole means disclosed by *Nishikawa* for recording media programs is disclosed as a device, such as a VCR, that can receive and record analog data received by a digital system. (FIG. 1; Abstract) (“The GUI includes a TV Planner icon which, if selected by the user, causes the television {sic} to display a monthly calender {sic} (or recording/reminder list) that indicates which programs are purchased and/or selected for recording by a VCR.”)

Appellants respectfully submit that it is unreasonable to determine that the elements disclosed by *Nishikawa* teach enabling a user to record a first set of media programs in a first storage device associated with a digital personal video recorder (PVR).

The final Office Action (page 4-5) further alleges the following (emphasis added):

As to claim 117...*Nishikawa*...discloses...**storing media information corresponding to the recorded first set of media programs in the first storage device**, the media information including information related to at least a title and media type for each program (col. 9, line 53-col. 10, line 35 and col. 13, lines 19-45) ...

As set forth in the response after non-final dated April 15, 2008, Appellants note that the allegation emphasized above is inconsistent with the teachings of *Nishikawa*. As illustrated above, an analog VCR is the only device disclosed in *Nishikawa* that can even arguably meet the requirements of storing media programs. However, an analog VCR as

taught in *Nishikawa* is wholly incapable of storing media information about stored media programs, including storing at least a title and the media type.

The Examiner appears to allege that this element is met by *Nishikawa's* reference to the ability to store data in a portion of a Hard Disk Drive (HDD) and/or flash memory. (col. 9, lines 52-62). The data stored in the HDD includes guide data, channel data, and program data. (Id.) Notably, the HDD in *Nishikawa* does not store recorded media programs.

Examiner alternatively cites to *Nishikawa's* discussion of a TV Planner screen that may display title, date, and time of programs selected for recording. (See Col. 13, lines 20-45.) Placeholders for programs **selected for recording** are clearly not the same as **"recorded"** media programs" as recited by claim 117. Furthermore, *Nishikawa* does not teach that this title, date, and time information are capable of being stored in the VCR where the programs are recorded, as *Nishikawa* requires.

Similarly, *Nishikawa* also discloses that the TV Planner screen may display cost, date, and time of programs "which are purchased". (See Col. 13, lines 20-45.) The purchased programs are described as being similar to PPV programs which are purchased, and after payment, are available to watch on the indicated date and time. The purchase of program does not result in a recording of the media program being stored. Appellant submits that such purchased programs are not the same as "recorded media programs" as recited in *Nishikawa*, since a program is purchased before it is recorded, or purchased without any recording at all. Furthermore, *Nishikawa* does not teach that this cost, date, and time are stored in the VCR where the programs are recorded, as *Nishikawa* requires.

Appellants respectfully submit that it is unreasonable to determine that the elements disclosed by *Nishikawa* teach storing media information corresponding to the recorded first set of media programs in the first storage device wherein the first storage device is the same device used to store the media programs themselves.

The final Office Action (pages 4-6) further alleges the following (emphasis added):

As to claim 117...Nishikawa...discloses...responsive to the user entering a search term (figs. 17-18, col. 14, line 53 – col. 15, line 63) **searching the first and second storage devices for media information having a high level of correlation with the search term...**(col. 3, line 61 – col. 4, line 7; col. 9, line 53 – col. 10, line 35; col. 14, line 53 – col. 16, line 19), note that the DSS processor 200 searches HDD-288 and/or memory 230 and other storage devices attached via 1394 cabling for a listing having a high correlation with the search term, including program(s) purchases to view or record and purchased programs, where the search terms are entered by the user using and input device or highlighting various elements on the on-screen keyboard 700

Nishikawa teaches a plurality of storage devices (PVR, HDD, flash memory, SDRAM, etc.) that stores various sets of media information and further enables a user to select programs for viewing/recording on a first storage device with the PVR, storing media information corresponding to the first set of media programs in the first storage device... (col. 2, lines 6-26; col. 14, line 53 – col. 15, line 33)...

As set forth in the response after non-final dated April 15, 2008, Appellants note that the allegation emphasized above is inconsistent with the teachings of *Nishikawa*. *Nishikawa* discloses two types of searches which are available to a user: searching the electronic program guide and searching the Internet. Specifically, the portion of *Nishikawa* relied on by the rejection discloses that:

DSS processing element 200 generates an option palette 672 in EPG screen 650 if the user presses options key 312 on remote controller 14. Option palette 672 includes, but is not limited to, a "Search" icon 674, a "Category" icon 676, a "Calender" icon 678, and a "Guide Settings" icon 680. Preferably, highlight box (or cursor) 568 is positioned over "Search" icon 674 when option palette 672 is first displayed. **If the user selects "Search" icon 674, DSS processing element 200 generates an on-screen keyboard, as discussed below** (FIGS. 17-18).(Col. 14, lines 53-62)

Referring now to FIG. 17, an on-screen keyboard 700...slides upwardly over option palette 672 and channel table 658 if the user selects "Search" icon 674 in option palette 672. **On-screen keyboard 700 allows the user to search for a desired program by entering a search term (e.g., actor's name, sport team's name, movie director's name).** On-screen keyboard 700 includes a plurality of keys 702 and a window 704 for displaying search terms entered by the user via keys 702. In operation, the user manipulates keys 702 of on-screen keyboard 700 via directional keys 318-324 and enter key 326 of remote controller 14. It should be noted that the user may enter search terms via keyboard peripheral 38 (FIG. 1) if keyboard peripheral 38 is connected to integrated DSS/WebTV receiver 12.

Referring now to FIG. 18, on-screen keyboard 700 can also be accessed by the user in GUI Home screen 550. **If the user accesses on-screen keyboard 700 in GUI Home screen 550, the user can enter Internet search terms via on-screen keyboard 700 in the same manner**

as described with respect to FIG. 17. (Col. 15, lines 42-63)

A search of "the Internet" clearly is not a search of the first and second devices referred to in *Nishikawa*. Claim 117 requires the first device to be "associated with a digital personal video recorder". The Internet does not fulfill this restriction. Furthermore, the second device as described in the present application is located locally to the PVR.

Furthermore, Appellant can find no teaching in *Nishikawa* that the EPG is stored in two devices, one of which must be the memory capable of storing media programs. The EPG in *Nishikawa* is incapable of storing media programs. Therefore, Appellant respectfully submits that a search of the EPG is not a search of the "first and second devices" as recited in *Nishikawa*.

Appellants respectfully submit that it is unreasonable to determine that the elements disclosed by *Nishikawa* teach searching the first and second storage devices for media information having a high level of correlation with the search term wherein the first storage device is the same device which records the media programs.

For at least these reasons, Appellants respectfully submit that *Nishikawa* fails to disclose, teach, or suggest at least the above-emphasized claim features, and respectfully request that the alternative rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) be overturned.

Because independent claim 117 is allowable over *Nishikawa*, dependent claims 118-128, 130-131 and 165-170 are allowable as a matter of law for at least the reason that claims 118-128, 130-131 and 165-170 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Appellants note that the inclusion of claims 130-131 in this rejection by the Examiner appears to be in error, as these claims are never discussed in the body of the rejection. Instead, they were addressed in regards to other grounds which are discussed below. Therefore, Appellants respectfully request that the rejection to claims 117-128, 130-131 and 165-170 be overturned.

B. Independent Claim 149

Claim 149 recites (with emphasis added):

149. An interactive media services system comprising:
memory for storing media information, the media information
including information related to a title, start time, and media type for each of
a plurality of media programs;
a software program stored in the memory, the software program
comprising a plurality of executable functions;
a processor configured to execute the software program, wherein
executing the software program includes:
**enabling a user to record in the memory a first set of
media programs associated with a personal video recorder
(PVR);**
**storing media information corresponding to the first set
of recorded media programs in the memory;**
receiving media information corresponding to a second set of
media programs that are currently being broadcast or are to be
broadcast in the future;
storing the media information corresponding to the second set
of media programs in the memory;
providing to the user a search option to search for media
programs;
responsive to the user activating the search option, enabling
the user to enter a search term;
**responsive to the user entering a search term, searching
the memory for media information, corresponding to the first set
of media programs and the second set of media programs,
having a high level of correlation with the search term;** and
providing a list of media programs corresponding to the media
information having a high level of correlation with the search term

Appellants respectfully submit that *Nishikawa* fails to disclose, teach, or suggest at least the above-emphasized claim features. The final Office Action (pages 7-8) reiterates the rejections for claim 117 as to claim 149.

As set forth in Section A above, Appellants note that the allegations emphasized above are inconsistent with the teachings of *Nishikawa*. Based on the arguments presented above, Appellants respectfully submit that it is unreasonable to allege that the elements disclosed by *Nishikawa* teach **1)** enabling a user to record in the memory a first set of media programs associated with a personal video recorder (PVR); **2)** storing media information corresponding

to the first set of recorded media programs in the memory; and **3)** responsive to the user entering a search term, searching the memory for media information, corresponding to the first set of media programs and the second set of media programs, having a high level of correlation with the search term.

For at least these reasons, Appellants respectfully submit that *Nishikawa* fails to disclose, teach, or suggest at least the above-emphasized claim features, and respectfully request that the alternative rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) be overturned.

Because independent claim 149 is allowable over *Nishikawa*, dependent claims 150-161 are allowable as a matter of law for at least the reason that claims 150-161 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Therefore, Appellants respectfully request that the rejection to claims 149-162 be overturned.

C. Independent Claim 171

Claim 171 recites (with emphasis added):

171. A set-top terminal (STT) comprising:
a receiver configured to receive a plurality of media programs and a plurality of media information, each one of the plurality of media information corresponding to a respective one of the plurality of media programs;
a storage device in communication with a personal video recorder (PVR);
memory storing program code thereon;
a processor configured by the program code to:
record one of the plurality of media programs on the PVR;
store a first one of the plurality of media information on the storage device, the first one of the plurality of media information describing the recorded one of the plurality of media programs;
store a second one of the plurality of media information on the storage device, the second one of the plurality of media information describing media programs that are currently being broadcast or are to be broadcast in the future;
provide a search option to enable the user to enter a search term;
responsive to the search term, search the first and second ones of the plurality of media information to find media information having a high level of correlation with the search term; and
provide a list of media programs which correspond to the

media information having a high level of correlation with the search term.

Appellants respectfully submit that *Nishikawa* fails to disclose, teach, or suggest at least the above-emphasized claim features. The final Office Action (page 8) reiterates the rejections for claim 117 as to claim 171.

As set forth in Section A above, Appellants note that the allegations emphasized above are inconsistent with the teachings of *Nishikawa*. Based on the arguments presented above, Appellants respectfully submit that it is unreasonable to determine that the elements disclosed by *Nishikawa* teach a processor configured by the program code to: **1)** record one of the plurality of media programs on the PVR; **2)** store a first one of the plurality of media information on the storage device, the first one of the plurality of media information describing the recorded one of the plurality of media programs; and **3)** responsive to the search term, search the first and second ones of the plurality of media information to find media information having a high level of correlation with the search term.

For at least these reasons, Appellants respectfully submit that *Nishikawa* fails to disclose, teach, or suggest at least the above-emphasized claim features, and respectfully request that the alternative rejections under 35 U.S.C. § 102(e) and 35 U.S.C. § 103(a) be overturned.

Because independent claim 171 is allowable over *Nishikawa*, dependent claims 172-187 are allowable as a matter of law for at least the reason that claims 172-185 contain all elements of their respective base claim. See, e.g., *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Therefore, Appellants respectfully request that the rejection to claims 171-187 be overturned.

II. Rejection of Dependent Claims 130-131, 162-163 and 186-187 under 35 U.S.C. 103(a)

As set forth above, independent claims 117, 149 and 171 are allowable over *Nishikawa*. Appellants respectfully submit that *Koshimuta* fails to remedy the above-

described deficiencies of *Nishikawa*, and for at least these reasons, Appellants respectfully submit dependent claims 130-131, 162-163 and 186-187 are allowable as a matter of law for at least the reason that claims 130-131, 162-163 and 186-187 contain all elements of their respective base claims. See, *e.g.*, *In re Fine*, 837 F.2d 1071 (Fed. Cir. 1988). Accordingly, Appellants respectfully request that the rejection under 35 U.S.C. § 103(a) be overturned.

III. Rejection of Dependent Claims 165, 168 and 169 under 35 U.S.C. 103(a)

As set forth above, independent claim 117 is allowable over *Nishikawa*. Appellants respectfully submit that claim 117 and respective dependent claims 165, 168 and 169 are allowable as a matter of law, and hence, Appellants respectfully request that the rejection under 35 U.S.C. § 103(a) be overturned.

CONCLUSION

Based upon the foregoing discussion, Appellants respectfully requests that the Examiner's final rejection of claims 117-128, 130, 131, 149-163, and 165-187 be overruled and withdrawn by the Board, and that the application be allowed to issue as a patent with all pending claims.

In addition to the claims shown in the claims Appendix VIII, Appendix IX attached hereto indicates that there is no evidence being attached and relied upon by this brief. Appendix X attached hereto indicates that there are no related proceedings.

Please charge Deposit Account 19-0761 in the amount of \$540 for the filing of this Appeal Brief. It is not believed that extensions of time or additional fees are required to consider this Appeal Brief. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 C.F.R. §1.136(a), and any additional fees required therefore are hereby authorized to be charged to Deposit Account No. 19-0761.

Respectfully submitted,

Date: February 13, 2009

/David Rodack/
David Rodack, Reg. No. 47,034

Merchant & Gould P.C.
P.O. Box 2903
Minneapolis, MN 55402-0903
404.954.5100

VIII. CLAIMS - APPENDIX

117. A method for enabling a user to search for media programs, the method comprising:

enabling a user to record a first set of media programs in a first storage device associated with a digital personal video recorder (PVR);

storing media information corresponding to the recorded first set of media programs in the first storage device, the media information including information related to at least a title and media type for each media program;

receiving media information corresponding to a second set of media programs that are currently being broadcast;

receiving media information corresponding to a third set of media programs that are to be broadcast in the future;

storing the media information corresponding to the second and third sets of media programs in a second storage device;

providing to the user a search option to search for media programs;

responsive to the user activating the search option, enabling the user to enter a search term;

responsive to the user entering a search term, searching the first and second storage devices for media information having a high level of correlation with the search term; and

providing a list of media programs corresponding to the media information having a high level of correlation with the search term.

118. The method of claim 117, wherein, responsive to the user activating the search option, further enabling the user to enter a search criterion based on a range of start times of the media programs, and wherein searching the first and second storage devices

further comprises searching for media information corresponding to media programs having a start time within the range of start times.

119. The method of claim 118, wherein enabling the user to enter a search criterion based on a range of start times comprises enabling the user to select a time period from a plurality of time periods.

120. The method of claim 119, wherein the user-selected time period is selected from time periods specified by dates.

121. The method of claim 120, wherein the dates are a dates.

122. The method of claim 120, wherein the dates are relative dates.

123. The method of claim 122, wherein the relative dates correspond to at least one of "Today Only", "Today and Tomorrow", and "Next 7 Days".

124. The method of claim 117, further comprising:
when the media information in the second storage device includes information indicating that a particular media program is a purchasable program, providing, with the list of media programs, an indication that the particular media program is a purchasable program.

125. The method of claim 124, wherein the particular media program is a video-on-demand program.

126. The method of claim 124, wherein the particular media program is a pay-per-view program.

127. The method of claim 124, further comprising:

providing, with the list of media programs, an indication that the media programs stored in the first storage device are programs recorded by the digital PVR.

128. The method of claim 117, further comprising:

when the media information in the second storage device includes information indicating that a particular media program is available via a subscription service, providing, with the list of media programs, an indication that the particular media program is available via the subscription service.

130. The method of claim 117, wherein, responsive to the user activating the

search option, further enabling the user to enter a search criterion based on video quality.

131. The method of claim 130, wherein the search criterion based on video quality

includes a criterion based on whether or not the media program includes high-definition video signals.

149. An interactive media services system comprising:

memory for storing media information, the media information including information related to a title, start time, and media type for each of a plurality of media programs;

a software program stored in the memory, the software program comprising a plurality of executable functions;

a processor configured to execute the software program, wherein executing the software program includes:

enabling a user to record in the memory a first set of media programs associated with a personal video recorder (PVR);

storing media information corresponding to the first set of recorded media programs in the memory;

receiving media information corresponding to a second set of media programs that are currently being broadcast or are to be broadcast in the future;
storing the media information corresponding to the second set of media programs in the memory;
providing to the user a search option to search for media programs;
responsive to the user activating the search option, enabling the user to enter a search term;
responsive to the user entering a search term, searching the memory for media information, corresponding to the first set of media programs and the second set of media programs, having a high level of correlation with the search term; and
providing a list of media programs corresponding to the media information having a high level of correlation with the search term.

150. The interactive media services system of claim 149, wherein, responsive to the user activating the search option, further enabling the user to enter a search criterion based on a range of start times of the media programs, and wherein searching the memory further comprises searching for media information corresponding to media programs having a start time within the range of start times.

151. The interactive media services system of claim 150, wherein enabling the user to enter a search criterion based on a range of start times comprises enabling the user to select a time period from a plurality of time periods.

152. The interactive media services system of claim 151, wherein the user-selected time period is selected from time periods specified by dates.

153. The interactive media services system of claim 152, wherein the dates are absolute dates.

154. The interactive media services system of claim 152, wherein the dates are relative dates.

155. The interactive media services system of claim 154, wherein the relative dates correspond to at least one of "Today Only", "Today and Tomorrow", and "Next 7 Days".

156. The interactive media services system of claim 149, wherein, when the media information corresponding to the media programs that are currently being broadcast or are to be broadcast in the future includes information indicating that a particular media program is a purchasable program, executing the software program further comprises providing, with the list of media programs, an indication that the particular media program is a purchasable program.

157. The interactive media services system of claim 156, wherein the particular media program is a video-on-demand program.

158. The interactive media services system of claim 156, wherein the particular media program is a pay-per-view program.

159. The interactive media services system of claim 156, further comprising: providing, with the list of media programs, an indication that the media programs stored in the storage device are programs recorded by the PVR.

160. The interactive media services system of claim 149, further comprising: when the media information in memory includes information indicating that a particular media program is available via a subscription service, providing, with the list of media programs, an indication that the particular media program is available via the subscription service.

161. The interactive media services system of claim 149, wherein providing the list of media programs comprises providing the list on a television.

162. The interactive media services system of claim 149, wherein, responsive to the user activating the search option, further enabling the user to enter a search criterion based on video quality.

163. The interactive media services system of claim 162, wherein the search criterion based on video quality is a criterion based on whether or not the media program includes high-definition video signals.

165. The method of claim 117, wherein the PVR is a random-access PVR.

166. The method of claim 117, wherein the PVR is a digital PVR.

167. The method of claim 117, wherein the first storage device is a digital storage device.

168. The method of claim 117, wherein the first storage device is a non-volatile storage device.

169. The method of claim 117, wherein the first storage device is a random-access storage device.

170. The method of claim 117, wherein the first storage device is different than the second storage device.

171. A set-top terminal (STT) comprising:
a receiver configured to receive a plurality of media programs and a plurality of media information, each one of the plurality of media information corresponding to a respective one of the plurality of media programs;

a storage device in communication with a personal video recorder (PVR);

memory storing program code thereon;

a processor configured by the program code to:

record one of the plurality of media programs on the PVR;

store a first one of the plurality of media information on the storage device,
the first one of the plurality of media information describing the recorded one of the plurality
of media programs;

store a second one of the plurality of media information on the storage
device, the second one of the plurality of media information describing media programs that
are currently being broadcast or are to be broadcast in the future;

provide a search option to enable the user to enter a search term;

responsive to the search term, search the first and second ones of the
plurality of media information to find media information having a high level of correlation with
the search term; and

provide a list of media programs which correspond to the media information
having a high level of correlation with the search term.

172. The STT of claim 171, wherein the PVR is embodied within the STT.

173. The STT of claim 171, wherein the PVR is external to the STT.

174. The STT of claim 171, wherein, responsive to the user activating the search
option, the processor is further configured to enable the user to enter a search criterion
based on a range of start times of the media programs, and to search for media information
corresponding to media programs having a start time within the range of start times.

175. The STT of claim 174, wherein the processor enabling the user to enter a search criterion based on a range of start times comprises enabling the user to select a time period from a plurality of time periods.

176. The STT of claim 175, wherein the user-selected time period is selected from time periods specified by dates.

177. The STT of claim 176, wherein the dates are absolute dates.

178. The STT of claim 176, wherein the dates are relative dates.

179. The STT of claim 176, wherein the dates are relative dates correspond to at least one of "Today Only", "Today and Tomorrow", and "Next 7 Days".

180. The STT of claim 171, wherein, when the media information corresponding to the second set of media programs includes information indicating that a particular media program is a purchasable program, the processor is configured to provide, with the list of media programs, an indication that the particular media program is a purchasable program.

181. The STT of claim 180, wherein the purchasable program is a video-on-demand program.

182. The STT of claim 180, wherein the purchasable program is a pay-per-view program.

183. The STT of claim 180, wherein the processor is further configured to provide, with the list of media programs, an indication that the media programs corresponding to the first set of media programs are programs recorded by the PVR.

184. The STT of claim 171, wherein, when the media information in the second storage device includes information indicating that a particular media program is available

via a subscription service, the processor is further configured to provide, with the list of media programs, an indication that the particular media program is available via the subscription service.

185. The STT of claim 171, wherein the processor is configured to display the list of media programs on a television.

186. The STT of claim 171, wherein, responsive to the user activating the search option, the processor is further configured to enable the user to enter a search criterion based on video quality.

187. The STT of claim 186, wherein the search criterion based on video quality is a criterion based on whether or not the media program includes high-definition video signals.

IX. EVIDENCE - APPENDIX

None.

IX. RELATED PROCEEDINGS- APPENDIX

None.